

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SCOTT EVANS

Plaintiff,

v.

PANASONIC CORPORATION OF
NORTH AMERICA

Defendant

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Hon. Dennis M. Cavanaugh

ORDER

Civil Action No. 2:13-cv-02231

DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before the Court upon Plaintiff Scott Evans' filing of his amended complaint and *in forma pauperis* application on April 25, 2013. (ECF No. 3) After considering the amended complaint and application and based upon the following:

WHEREAS Plaintiff's *in forma pauperis* application states his average monthly income is \$815.68 and Plaintiff also states that his lack of income has resulted in an "overdrawn" checking account;

WHEREAS "motions to proceed [*in forma pauperis*] must be assessed in a two-step process. 'First the district court evaluates a litigant's financial status and determines whether (s)he is eligible to proceed *in forma pauperis* under § 1915(a). Second, the court assesses the complaint under [§ 1915(e)(2)] to determine whether it is frivolous,'"

Shneller v. Able Home Care, Inc., 389 F. App'x 90, 92 (3d Cir. 2010)(citing Roman v. Jeffes, 904 F.2d 192, 194 n.1 (3d Cir. 1990)(citation omitted));

WHEREAS 28 U.S.C. § 1915(e)(2)(B) states that the dismissal of an *in forma pauperis* proceeding is appropriate at any time upon this Court's finding that the

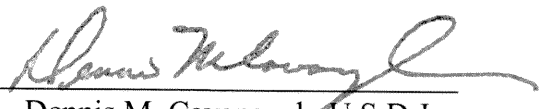
complaint is frivolous or malicious or fails to state a claim upon which relief may be granted.

WHEREAS this Court granted Plaintiff leave to amend his complaint in order to allow Plaintiff to supplement his complaint with a factual basis for his pleaded claims; (April 15, 2013, ECF No. 2)

WHEREAS Plaintiff fails to include any significant, factual basis to justify his claim that he was fired from his place of employment because of his race or for any other discriminatory factors and this Court finds that the amended complaint fails to state a claim upon which relief may be granted;

IT IS on this 7 day of June, 2013;

ORDERED that Plaintiff's *in forma pauperis* application is **granted** and Plaintiff's complaint is **dismissed**.


Dennis M. Cavanaugh, U.S.D.J

Orig.: Clerk
cc: All Counsel of Record
File